

MINUTES

REGULAR MEETING OF THE NEWTON CITY COUNCIL – APRIL 6, 2010

The regular meeting of the Newton City Council was held on Tuesday, April 6, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, Robert C. Abernethy, Jr. and Mayor Pro Tem Anne Stedman.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Beunice R. "Bootsie" Roberts, members of the Management Team, City Department Heads, Jeremy Petty - DNDA Chairperson, Melinda Travis - DNDA Member, and Randi Gates - Carolina Thread Trails Community Coordinator.

ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:

Mayor Mullinax called the meeting to order and welcomed everyone to the meeting.

ITEM 2. OPENING – PLANNING DIRECTOR/ASSISTANT CITY MANAGER GLENN J. PATTISHALL:

Planning Director/Assistant City Manager Glenn J. Pattishall gave the invocation and led the audience in the Pledge of Allegiance.

ITEM 3. APPROVAL OF MINUTES FROM THE MARCH 2, 2010 REGULAR COUNCIL MEETING:

A motion was made by Mayor Pro Tem Anne Stedman, seconded by Council Member Mary Bess Lawing, and unanimously adopted to approve the minutes of the March 2, 2010 meeting as submitted.

ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve the Consent Agenda items as presented.

A. Tax Releases – February 2010

The reason for each release is annotated beside the name.

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2009	17	Allmans Antiques & Auction	Taxpayer proved that he had no assets at this consignment shop, only inventory for	\$144.14

			sale by others	
2004	18	Allmans Antiques & Auction	Taxpayer proved that he had no assets at this consignment shop, only inventory for sale by others	\$180.18
2005	19	Allmans Antiques & Auction	Taxpayer proved that he had no assets at this consignment shop, only inventory for sale by others	\$168.17
2006	20	Allmans Antiques & Auction	Taxpayer proved that he had no assets at this consignment shop, only inventory for sale by others	\$163.25

B. Sewer Adjustments – April 2010

The adjustment is recommended as a result of a water leak at the service address or a pool fill up.

Account Number	Name	Service Address	Adjustment Period	Amount of Adjustment
18010240.0094	Anne Stein	1426 Boston Rd	Jan 2010	\$782.94
45000040.0097	Walker Whitt	133 Shannonbrook Dr	Jan 2010	\$13.53
58000020.0092	Ben Kelly Lail	1002 N Davis Ave	Jan 2010	\$1,285.80
36000125.0098	Rowe Bollinger	2616 NW Blvd	Feb 2010	\$70.36
23001000.0098	Weathers Rentals	216 Park Ln	Jan/Feb 2010	\$83.44
48000860.0098	Baxter Butler	1716 N Davis Ave	Feb 2010	\$45.10
59000028.0097	Ivette Martinez	1112 N Davis Ave	Jan 2010	\$69.91
23001000.0098	First Baptist Church	501 NW Blvd	Jan/Feb 2010	\$481.21
22000440.0098	Deloris Odom	2159 Little Coulters Ch Rd	Jan/Feb 2010	\$442.13

C. Consideration of Appointments and Reappointments to City Boards & Commissions

APPEARANCE COMMISSION

Reappoint Jane Martin
Appoint Melvin Caldwell
Appoint Lori Wray

DEPOT AUTHORITY

Appoint Council Member Robert C. Abernethy, Jr.
Appoint James S. "Jimmy" Abernethy to replace the late Thomas W. Reese

FESTIVAL AND EVENTS

Reappoint Michelle Lail, Addie Shuford, and Phyllis Coulter

LIBRARY BOARD

Appoint Council Member Mary Bess Lawing

OFF-STREET PARKING

Reappoint Clyde Watters and Gaye Talbert

RECREATION COMMISSION

Reappoint Jeff Carter, Jennifer Caldwell, and William "Skip" Beatty
Appoint Council Member Bill Lutz

- D. **Consideration of Public Fee Structure Statement of Intent for "A Heritage, Music and Pottery Festival" event at the Newton-Conover Auditorium – April 10 & 11**
- E. **Consideration of Public Fee Structure Statement of Intent for "MayFest 2010" – Newton Merchants, Inc. – May 15, 2010**
- F. **Consideration of Street Closure for MayFest – Newton Merchants Group, Inc.**
- G. **Consideration of Donation for Volleyball Netting System**

**(ORDINANCE #2010-7 IS HEREBY REFERENCED AND
ON FILE IN THE OFFICE OF THE CITY CLERK)**

ITEM 5. PUBLIC HEARING:

- A. **Consideration of Rezoning Application - #2010-1 Dellinger/Caldwell**

Mayor Mullinax recessed the Council meeting and called to order a public hearing, as previously scheduled and advertised, to rezone six (6) properties for a total of 2.11 acres from a B-3 Central Business District to a B-4 General Business District, and submitted by Wayne Dellinger and James Caldwell.

Council Member Wayne Dellinger said that he would like to recuse himself from the zoning item discussed.

A motion was made by Council Member Bill Lutz, seconded by Council Member Tom Rowe, and unanimously adopted to approve that Council Member Wayne Dellinger be recused from the zoning item discussed.

Mayor Mullinax asked Planning Director Alex Fulbright to give his report on the rezoning request.

Mr. Fulbright gave a brief history on the property under consideration for rezoning, stating that the property has been zoned B-3 Central Business since the adoption of the City's 1953 Zoning Map. Using a power point demonstration, Mr. Fulbright pointed out the floor area ratios and said that the B-4 General Business District differs from the B-3 Central Business District in several ways and that the most impactful are maximum floor area ratio, maximum height, required parking, and the permitted uses. He said that a reduction in floor area ratio could result in a non-conforming situation if the building floor area ratios consideration is greater than one-half square foot of floor area to one square foot of land area.

Mr. Fulbright said that there are structures on two separate parcels within the area being requested that may be impacted, and could become non-conforming if the rezoning is approved as requested. He said that the property would not need to be corrected prior to the rezoning, but it will affect the owner of the structure's ability to enlarge, extend, alter or replace the structure, unless the floor area ratio is less than the maximum. Mr. Fulbright said that the maximum building height in the B-4 District is 65 feet and in the B-3 District, 80 feet, which should not create a non-conforming situation, but will limit the height of any future structures and additions to 65 feet.

Mr. Fulbright said that required parking is the minimum number of parking spaces that a business is required to provide based on the use of the site, and would only need to be re-addressed in the event of a change in use or the development or redevelopment of a parcel within the area under consideration. Mr. Fulbright said that Mr. Dellinger wishes to install a paint booth on the property. He said that both Mr. Dellinger and Mr. Caldwell feel that with the change in the economy and business trends that this rezoning would help provide more opportunities for their properties.

Mr. Fulbright asked the Council to review the minutes from the Planning Commission, which recommended the rezoning because Mr. Dellinger and Mr. Caldwell's request is consistent with the 1988 Land Development Plan. Mr. Fulbright recommended that the Council adopt an ordinance to rezone the parcels as requested, and as recommended by the Planning Commission.

Mayor Pro Tem Anne Stedman asked if there would be an environmental impact to the properties around Mr. Dellinger and Mr. Caldwell's property considered for rezoning.

Mr. Fulbright said that Mr. Dellinger and Mr. Caldwell might have to acquire an air quality permit or other permits, but at the present, he did not know for sure.

Mayor Mullinax asked if there was anyone in the audience who wanted to speak on the rezoning issue and no one appeared to speak on the matter.

Mayor Mullinax closed the public hearing and called the Council meeting back into session.

Mayor Mullinax asked if anyone opposed the rezoning during the Planning Commission meeting. Mr. Fulbright said that there was one person who spoke in favor of the rezoning.

A motion was made by Council Member Tom Rowe, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve Rezoning Application #2010-01 to rezone properties from a B-3 Central Business District to a B-4 General Business District as requested by Wayne Dellinger and James Caldwell.

***SPECIAL RECOGNITION:**

Mayor Mullinax asked Fire Chief Kevin Yoder to come forth to assist in a special recognition of 2-year old Kevin Moreau, on his heroic action.

Chief Yoder said that on March 21, 2-year old Kevin Moreau noticed flames coming from the chimney of a neighbor's house. Chief Yoder said that Kevin told his parents, who immediately called 911 and then notified the homeowner (Ms. Cindy Dickson) of the flames who was unaware that her chimney was on fire. After the fire was extinguished, the firefighters were told of the heroic action of young Kevin.

Mayor Mullinax, the City Council, and Chief Kevin Yoder congratulated Kevin Moreau on his heroic actions and presented him with a Fire Safety Heroes Award, as his parents observed.

Ms. Cindy Dickson thanked Kevin Moreau for his actions and his parents for the part they did to saving her home, as well as, thanked the Mayor and Council and Chief Yoder for providing the opportunity for Kevin to be recognized for his actions in such a special way.

ITEM 6. CONSIDERATION OF CHILD ABUSE PREVENTION MONTH PROCLAMATION - HELEN BRIGHAM - MEMBER OF THE CHILDREN'S PROTECTION COUNCIL:

Mayor Mullinax read in its entirety, the Child Abuse Prevention Month Proclamation. After reading the proclamation, Mayor Mullinax presented the proclamation to Helen Brigham who is a member of the Children's Protection Council. He commented that Kevin Moreau is a testament of things going right and thanked Ms. Brigham for being at the meeting.

Ms. Brigham said that the Children's Protection Council is a group of volunteers who work to lessen child abuse in Catawba County. She thanked the Mayor and Council for their continued support.

ITEM 7. COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):

Mayor Mullinax asked if there was anyone in the audience who wanted to speak on a non-agenda item, and no one appeared to speak.

ITEM 8. OLD BUSINESS:

A. Fiscal Year 2010 Budget Update – Finance Director Serina Hinson

Finance Director Serina Hinson gave an update on the General Fund, Water and Wastewater Fund, and Electric Fund from the February Council Planning Workshop and the Fiscal Year Ending June 30, 2010.

Mrs. Hinson said that there was not much change in projected revenues in the General Fund since the report given in February, that it is still on target with previous projections provided. She mentioned that the expenditures are slightly under budget, and Staff has identified savings to offset the shortfall in sales tax revenue.

There was a brief discussion on the duplicate tax refund that was presented to the Council earlier in the year, as well as, savings that were identified by City Staff as requested by the City Manager. Mayor Mullinax questioned the cost for mowing, which Parks and Recreation Director Sandra Waters said that the Staff was doing research on the mowing matter per the City Manager's request.

Council Member Mary Bess Lawing asked if there were any personnel changes due to the cuts and savings identified. Mrs. Hinson said that the only impact to personnel was the frozen positions and the savings noted as a result of turnover.

Council Member Bill Lutz asked Chief Yoder to explain why fire trucks are parked all around the City, that he was very concerned how this looks to the public. He said several members of the public have asked him about the fire trucks too.

Chief Yoder explained in detail some of the requirements for the fire fighters such as physical fitness/wellness programs, mandatory training, and requirements from the National Fire Protection Association (NFPA). He said that the fire fighters normally have their engines parked at the Recreation Center, City Hall, and other places because of the reasons mentioned and in case there is a fire call, that their response time would be the usual four minutes. He said that if the fire fighters were to use other transportation at these locations, that traveling back to the fire station would increase their response time to more than four minutes.

Chief Yoder said that there has been some concern about the fire engines idling at times, and justified the necessity to re-generate the emission system on the new fire truck, as well as, clarified the ISO Rating Schedule in regards to the number of trucks at a service call and the point system in relation to not having the appropriate number of engines at a service call, etc.

City Manager Clark said that the Staff has to do what they do to help keep the ratings down and be available to protect the citizens at all times.

Mayor Mullinax said that other people might be concerned about the same situation with the fire trucks as Council Member Lutz; and requested that a brief explanation of the fire trucks parking and the requirements are included in the next citywide newsletter as information citizens need to know.

Mrs. Hinson continued her report on the Water and Wastewater Fund stating that there is no room to cut, that this fund is still in the RED. She said that there has been a 45% utility rate increase over the past three years, and the Water and Wastewater Fund is still in the RED. Some of the reasons for this situation are loss of water customers, un-anticipated maintenance repairs, the emergency clear well problems, and the Burris Road Pump Station Project.

After a brief discussion about the shortfall in the Water and Wastewater Fund, Mayor Mullinax said that the Council needed to think about the situation of the 45% utility rate increases over the past three years and still in the RED – the Council needs to figure this situation out.

Mrs. Hinson said that the Local Government Commission denied part of the borrowing request in March because of the financial soundness of the Water and Wastewater Fund and the Electric Fund, but received notification the first week of April that the borrowing has finally been approved.

Council Member Robert C. Abernethy, Jr. asked how much was the City in the RED before the 45% utility rate increases were added. Mrs. Hinson said that she would research and provide that information for him, as well as, for the other Council Members.

Mrs. Hinson said that the Electric Fund was “on target” with the revenues and expenditures, and has accomplished to build up the fund equity due to the closing of a capital project. She reviewed the savings identified by the Staff in the current fiscal year budget and provided explanations on those items that the Council needed additional information. Mrs. Hinson said that City Manager Clark and the Staff are still reviewing areas for savings.

ITEM 9. NEW BUSINESS:

A. Consideration of NCLM Municipal Environmental Assessment Coalition Participation Agreement

City Manager Todd Clark reported that the North Carolina League of Municipalities has asked each municipality to support an engineering analysis to examine the ramifications of the proposed EPA Triennial Review of Surface Water Quality Rules for enforcement. He said the rules would affect wastewater treatment facilities, require implementation of stormwater programs, mandate development rules such as riparian buffer zones, and regulate the land application of biosolids.

City Manager Clark said that the proposed engineering analysis would assess the extent of that impact and provide policy suggestions that will be used to inform and influence state regulators. He said that the League's Planning and Services Technical Advisory Committee members have reviewed the proposed rules and predict the increased costs to cities and towns across the State. City Manager Clark said that all municipalities

would pay a one-time fee based on population, which the City of Newton's cost will be \$1,000.

Director of Public Works and Public Utilities Wilce Martin said that the Environmental Protection Agency and the State requires the triennial review which include surface water (the hardness of water), special testing, etc., and that all cities that become a member will have a voice in the state regulations and with the regulators.

City Manager Clark recommended that the Council authorize the Mayor to sign the Municipal Environmental Assessment Coalition Participation Agreement with the North Carolina League of Municipalities.

A motion was made by Council Member Wayne Dellinger, seconded by Council Member Mary Bess Lawing, and unanimously adopted to authorize the Mayor to execute the Municipal Environmental Assessment Coalition Participation Agreement with the North Carolina League of Municipalities.

**B. Consideration of Tree City USA Application – Parks & Recreation
Director Sandra Waters**

Parks and Recreation Director Sandra Waters reported that the Staff requests consideration of the Council to seek a Tree City USA Designation for the City of Newton. She said that the Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters sponsors the Tree City USA program. Ms. Waters said that the Foundation's function is to provide direction, technical assistance, public attention, and national recognition for urban and community forestry programs in towns and cities throughout the USA.

Ms. Waters said that in order to establish a Tree City USA Program and designation, that there are four basic requirements a community must have, (1) A Tree Board or Department, (2) An Annual Community Forestry Program backed by the expenditure of at least \$2 per capita for trees and tree care, (3) An annual Arbor Day Proclamation and Observance, and (4) Develop a Tree Care Ordinance. She said of all the four requirements that the City has all except two of the requirements. Ms. Waters said that the City Staff is currently responsible for maintenance, planning and pruning of trees and this program should not incur any additional funding and/or expenditures with the exception of an annual certification renewal cost. Ms. Waters provided additional information on the Tree City USA Program for the Council to review and for further reference.

Ms. Waters introduced Eric Mueke, Regional Arbor Specialist, who added comments on the Tree City USA Program, as well as, said that he is available to assist the City with its Tree City USA Program, if approved.

Mayor Mullinax asked if there would be any costs involved to become a Tree City USA designee. Ms. Waters and Mr. Mueke agreed that applying would not require an application fee, that the program should be backed by the expenditure of a least \$2 per capita for trees and tree care. Ms. Waters said that an average cost would be \$50-\$75,000, which is already a part of the City's budget through its own tree maintenance service.

Council Member Mary Bess Lawing said that she was in favor of the designation and if approved by the Council, she recommends that the Tree City USA designation/recognition be placed on all entrance signs into the City.

Mr. Mueke said that it is very easy to access the Tree City USA Program and he is working with forty-six counties and would like to work with the City of Newton as well.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve to seek a Tree City USA designation for the City of Newton through the North Carolina Urban Forestry Resource Program by the due date of December 15, 2010.

Ms. Waters announced that the annual Arbor Day Celebration and planting would be held on April 24, 2010 at the Southside Cemetery beginning at 10:00 a.m.

Mayor Mullinax also recognized the fact that the City of Newton applying for and possibly becoming a Tree City USA recipient is one of City Manager Clark's goals to accomplish.

C. Consideration of a Resolution of support of a Main Street Solutions Grant Application and authorization for the Mayor to execute the application and grant agreement on behalf of the City

Commercial Development Coordinator Rob Powell reported that the Main Street Solutions Grant is a good opportunity for the City of Newton and to support small businesses in designated Main Street cities. He said that the goals of the North Carolina Main Street Solutions Grant Program are, (1) To provide direct financial benefits to small businesses, (2) To retain and create jobs in association with small businesses, and (3) To spur private investments in association with small businesses. He said that eighty-nine (89) communities are eligible for the grant.

Mr. Powell said that the Staff recently held a public information meeting for interested property owners to measure the interest. He said that ten property owners made preliminary nominations for the grant and six of those proposals met the intent of the Main Street Solutions Grant Program. Mr. Powell said that three of the applicants (Second Nature Technologies, Inc., Fixtures & More, LLC, and Mission Medical, LLC) were able to provide complete project descriptions and supporting materials for the Main Street Solutions Grant.

Mr. Powell noted that applications for the Main Street Solution Grant funding are highly competitive. He said that the total investment requested from all three applicants is approximately \$600,000, creating at least 11 new jobs in downtown Newton; however, the City will request the maximum amount of \$300,000 allowed per City, on behalf of the three businesses.

Mr. Powell recommended that the Council adopt a resolution in support of the grant application and authorize the Mayor to execute the application for the Main Street Grant funds on behalf of the City and to sign a grant agreement on behalf of the City regarding the grant requirements.

Council Member Mary Bess Lawing said that the Main Street Solution Grant is a good opportunity for new and existing businesses, and Council Member Robert C. Abernethy, Jr. agreed. Council Member Abernethy added that it is good to see businesses willing to invest in the City.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Bill Lutz, and unanimously adopted to approve the grant application and authorize the Mayor to execute the application for the Main Street Grant funds on behalf of the City and to sign a grant agreement on behalf of the City regarding the grant requirements.

RESOLUTION #12-2010

CITY OF NEWTON RESOLUTION OF SUPPORT OF A MAIN STREET SOLUTIONS GRANT APPLICATION AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE APPLICATION AND GRANT AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the State of North Carolina Department of Commerce, Division of Community Assistance has announced the opportunity for Designated Main Street Program Cities to apply for a state funded grant known as the Main Street Solutions Grant; and

WHEREAS, the City of Newton is a designated Main Street Program City and is eligible to apply for said grant; and

WHEREAS, City staff has worked with numerous property owners and business owners within the downtown area of the City to prepare a grant application for submittal to the state; and

WHEREAS, the grant application requires a resolution of support of the grant application and authorization of a designated agent to execute the grant application and execute a grant agreement on behalf of the City if awarded the grant; and

WHEREAS, staff has recommended that the City submit an application in the amount of \$300,000 in Main Street Solutions funds to create 11 new jobs, leverage approximately \$267,000 in private investment and strengthen the local economy,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newton does hereby declare its support of submission of a Main Street Solutions Grant application in the amount of \$300,000 and authorizes the Mayor to execute the grant application and grant agreement on behalf of the City.

Adopted this 6th day of April 2010.

THE CITY OF NEWTON
Robert A. Mullinax, Mayor

Attest:

Beunice R. Roberts, City Clerk

D. Consideration of DNDA request to use \$4,000 of Facade Grant Funds for 2010 Makeover Project

Mayor Mullinax welcomed Jeremy Petty, Chairperson for the DNDA, and Melinda Travis, DNDA Member, to the Council meeting.

Mr. Jeremy Petty gave a brief background report of the DNDA Promotion Committee's 2009 programs, noting that the Downtown Storefront Makeover Program was Melinda Travis' idea. He said that the thoughts behind the idea were to improve the appearance of downtown Newton, to bring positive publicity to the City, and to carry out the mission of the Downtown Newton Development Association. Mr. Petty said that the DNDA had several fundraisers and collected \$1,000 to support the 2009 Downtown Storefront Makeover Program.

Mr. Petty said that the DNDA developed a competitive application process with judging based on each business's history in the City of Newton, the owner's contribution and commitment to improving downtown Newton, and the owner's business location's visibility to the public. Mr. Petty said that Callahan's Café was the first winner of the 2009 Downtown Storefront Makeover with \$3,300 in seed money from the Downtown Newton Development Association. He said over \$12,000 in contributed labor and materials were generated to completely overhaul the front and interior of Callahan's Café at no cost to the Callahans.

Mrs. Travis showed the video of Callahan's Café makeover, both inside and outside, as shown on Charlotte's WBTV, Channel 3 News. Mrs. Travis said that Callahan's Café received great coverage from the Charlotte Observer, the Observer News Enterprise, and the Hickory Daily Record, which attracted numerous visitors from out-of-town to Callahan's Café.

Mr. Petty said that the Downtown Newton Development Association is planning to submit the Downtown Storefront Makeover Project of Callahan's Café for a North Carolina Main Street Award at the next North Carolina Main Street Conference.

Mrs. Travis said that the Downtown Storefront Makeover Project is good for the City of Newton and was a good project to put in action.

Council Member Robert C. Abernethy, Jr. said that he would like to see more fundraising efforts done, as well as, more storefront makeovers in the future.

Mr. Petty said that the City budgeted \$5,000 for downtown façade grants. He said that the DNDA received only one façade grant application during the fiscal year 2008-2009 and only \$1,000 of the budgeted \$5,000 was awarded. Mr. Petty said that the Council re-applied the remaining balance of \$4,000 to the Fiscal Year 2009-2010 Budget to increase the amount available for downtown façade grants, but no one has applied for a grant this year. Therefore, Mr. Petty said that the DNDA is requesting approval from the Council to use the \$4,000 from the Fiscal Year 2009-2010 Budget for the 2010 Downtown Storefront Makeover Project.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve the use of \$4,000 from the Fiscal Year 2009-2010 Budget for the DNDA 2010 Downtown Storefront Makeover Project.

RESOLUTION #13-2010

CITY OF NEWTON

**RESOLUTION TO APPROVE THE USE OF FAÇADE GRANT FUNDS
FOR 2010 DOWNTOWN STOREFRONT MAKEOVER PROJECT**

WHEREAS, the City of Newton budgeted \$5,000 for downtown façade grants, to be administered by the DNDA, during the fiscal year 2008-2009; and

WHEREAS, the grants awarded during the fiscal year 2008-2009 totaled only \$1000; and

WHEREAS, the City of Newton applied the remaining \$4,000 to increase the amount available for downtown façade grants during the fiscal year 2009-2010; and

WHEREAS, due to the economy and other reasons, there have been no applications made for façade grants to date during the fiscal year 2009-2010; and

WHEREAS, the DNDA launched a highly successful Downtown Storefront Makeover Project during 2009,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newton does hereby approve the use of \$4,000 currently designated Façade Improvement Grants in the downtown for the 2010 Downtown Storefront Makeover Project.

Adopted this the 6th day of April 2010.

THE CITY OF NEWTON
Robert A. Mullinax, Mayor

Attest:
Beunice R. Roberts, City Clerk

E. Presentation by Randi Gates on the Carolina Thread Trail planning efforts

Mayor Mullinax welcomed Mrs. Randi Gates, Carolina Thread Trail Community Coordinator, to the meeting to provide an update on the Carolina Tread Trail planning efforts.

As Mrs. Gates recognized Assistant Planning Director Alex Fulbright for being on the Carolina Thread Trail Steering Committee and representing the City of Newton, she distributed to the Council, a pamphlet with information about the Carolina Thread Trail for future reference.

Mrs. Gates gave an update on the status of the Carolina Thread Trail since the Council approved a Resolution of Support in December 2009. She said that the Carolina Thread Trail is a network of greenways and conserved lands and corridors that links 15 counties in North and South Carolina and is a collaborative project of unprecedented scale. Mrs. Gates said that the Carolina Thread Trail connects this region and places of interest,

and will conserve the most significant natural areas following five core principles as it advances throughout the region.

- Invitation to communities to participate
- Community self-determination of trail locations and character
- Connectivity through collaboration
- Bias toward action
- Respect for land; respect for the land owner

Mrs. Gates gave a brief summary of the Carolina Thread Trails' funding sources, roles to support its community partners, and benefits. She said that the Carolina Thread Trail Steering Committee has held several "Public Input" meetings throughout Catawba County – Newton, Hickory, and Sherrills Ford. She said that the largest gathering was at the Historic Newton Depot with 30 to 40 citizens in attendance. Mrs. Gates said that Catawba County is the lead planning area and once the Carolina Thread Trail Steering Committee completes their planning process, they will come back before the Council. Mrs. Gates informed the Council that the Carolina Thread Trail Steering Committee is very impressed with Southside Park.

F. Consideration of acceptance of an Offer of Dedication – South Lakes Subdivision – Phase 2

Planning Director/Assistant City Manager Glenn J. Pattishall said that the developers of the South Lakes Subdivision (HCJDTS, Inc.) submitted a request to the Council to consider acceptance of a dedicated right-of-way, including infrastructure improvements (water, sewer, and electric), and the maintenance of such infrastructure. He said that this request was presented to the Subdivision Review Board for discussion and approval, but at that time, all requirements had been met for the plat approval; but there were outstanding items that included submission of invoices for paving costs and payment of warranty funds.

Mr. Pattishall said that the outstanding invoices and a cash bond to cover the funds required for the one-year workmanship warranty have been satisfied and is included with the request to consider acceptance of the dedicated right-of-way. He said that the offer of dedication is the final step in the subdivision process prior to the legal authority to initiate construction on homes within this phase of the development.

Mr. Pattishall said the Staff is recommending that the Council accept the offer of dedication for South Lakes Phase II, as the developers (HCJDTS, Inc.) have met all requirements of the Subdivision Ordinance, Section 90-233.

A motion was made by Council Member Tom Rowe, seconded by Mayor Pro Tem Anne Stedman, and unanimously adopted to approve the offer of dedication for South Lakes Subdivision Phase II as recommended by the Staff.

G. Consideration of Declaration of Sole Source Supplier for Fire Station #3 Generator

City Manager Todd Clark said that the Council previously approved the purchase of a generator for Fire Station #3 and the Staff is ready to proceed with the purchase. He asked Finance Director Serina Hinson to collaborate further.

Finance Director Serina Hinson said that each time a new generator was purchased, the City solicited competitive quotes and each time, Carolina Tractor provided the most competitive bid. She said all the City's generation equipment is Caterpillar based. She said that it is important that all of the generators and switch gear be compatible, and for that reason, the Staff recommends that the Council declare Caterpillar generators and ISO switch gears from Carolina Tractor as a "sole source" supplier and that they be utilized for the new generator at Fire Station #3.

Director of Public Works and Public Utilities Wilce Martin explained the "sole source process" as requested by the City Manager, and agreed that all generators and switchgears should be compatible and have immediate access to available parts when needed.

There being no further discussion, a motion was made by Council Member Mary Bess Lawing, seconded by Council Member Bill Lutz, and unanimously adopted to approve Carolina Tractor as a "sole source" supplier of the City's caterpillar generators and ISO switch gear and to utilize Carolina Tractor as the supplier for the new generator at Fire Station #3.

ITEM 10. CITY MANAGER'S REPORT:

City Manager Todd Clark reported on the following:

- Announced that the Downtown Newton Development Association held an open forum on the Downtown Newton Streetscape Master Plan on April 1 at Seize the Photo Photography. He said that the turnout was not what was expected, but the DNDA is planning to hold another forum soon.
- Announced that the new IT Administrator, Jason Clay, will begin his duties at the City on April 26, 2010. He said that several interviews were held and all involved were pleased with the selection and feel that Jason would be a great asset to the Staff and the technological affairs for the City.
- Reported that the Staff is in the process of bidding out the insurance proposals and will make a report during the budget sessions.
- Announced several upcoming events – Music and Mud Festival, April 10-11, 2010 at the Newton-Conover Auditorium; The Newton-Conover Community Band Concert, April 11, 2010 at the Newton-Conover Auditorium at 3:00 p.m.; and the Big Sweep, April 24, 2010 (Citywide Clean-Up Project) at 9:00 a.m.

ITEM 11. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

Mayor Pro Tem Anne Stedman thanked the Mayor and Council, City Manager, Department Heads, City Staff, and everyone who had a part in the 2010 Teen Leadership Newton program. She said that the efforts of everyone were greatly appreciated.

Mayor Mullinax extended compliments and a special “thank you” to Mayor Pro Tem Stedman for a job well done with the 2010 Teen Leadership Newton program.

ITEM 12. ADJOURNMENT:

Mayor Mullinax recessed the April 6, 2010 Council meeting until 6:00 p.m., April 20, 2010 for the purpose of a Closed Session at City Hall, 401 North Main Avenue in Newton, NC. (G.S. 143-318.11 (1)).

Respectfully submitted by:

Robert A. Mullinax, Mayor

Beunice R. (Bootsie) Roberts, CMC/City Clerk